



**California Environmental Protection Agency
Department of Toxic Substances Control**

**HAZARDOUS WASTE POST CLOSURE FACILITY PERMIT
DRAFT**

Facility Name:

Benson Ridge Facility
7620 Highway 29
Kelseyville, California 95451

Facility EPA ID Number:
CAD 000633289

Effective Date:

Expiration Date:

Owner Name:

IT Environmental Liquidating Trust
2251 Lake Herman Road
Benicia, California 94510

Operator Name:

IT Environmental Liquidating Trust
2251 Lake Herman Road
Benicia, California 94510

Pursuant to California Health and Safety Code section 25200, this Resource Conservation and Recovery Act (RCRA)-equivalent Hazardous Waste Facility Permit is hereby issued to: IT Environmental Liquidating Trust.

The Issuance of this Permit is subject to the terms and conditions set forth in the Approved Application dated February 2008. The Permit consists of 17 pages.

Raymond Leclerc, P.E., Team Leader
Permit Renewal Team Leader
Department of Toxic Substances Control

Date:

**IT Environmental Liquidating Trust
Benson Ridge Facility
Lake County
EPA ID NO. CAD 000633289**

HAZARDOUS WASTE POST CLOSURE FACILITY PERMIT

TABLE OF CONTENTS

PART I. DEFINITIONS.....	2
PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP.....	3
1. OWNER OF FACILITY.....	3
2. OWNER OF REAL PROPERTY.....	3
3. OPERATOR OF FACILITY.....	3
4. LOCATION.....	3
5. DESCRIPTION OF FACILITY OPERATIONS.....	3
6. FACILITY HISTORY.....	4
7. FACILITY SIZE AND TYPE FOR FEE PURPOSES.....	4
PART III. GENERAL CONDITIONS.....	6
1. PERMIT APPLICATION DOCUMENTS.....	6
2. EFFECT OF PERMIT.....	6
3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	7
4. ENVIRONMENTAL MONITORING.....	7
5. ANNUAL HAZARDOUS WASTE REDUCTION AND MINIMIZATION CERTIFICATION.....	8
6. ACCESS.....	8
PART IV. PERMITTED UNITS AND ACTIVITIES.....	10
PART V. SPECIAL CONDITIONS.....	13
PART VI. CORRECTIVE ACTION.....	14
Attachment A, Benson Ridge Facility Location Map.....	16
Attachment B, Benson Ridge Facility Map.....	17

PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and California Code of Regulations, title 22, division 4.5, unless expressly provided otherwise by this Permit.

1. **“DTSC”** as used in this Permit means the California Department of Toxic Substances Control.
2. **“Facility”** as used in this Permit means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage resource recovery, disposal or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units.

For the purpose of implementing corrective action under California Code of Regulations, title 22, division 4.5, a hazardous waste facility includes all contiguous property under the control of the owner or operator required to implement corrective action.

3. **“Permittee”** as used in this Permit means the Owner and Operator.
4. **“RCRA”** as used in this Permit means the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.).

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. Owner of Facility

The Facility owner is IT Environmental Liquidating Trust (ITELT; hereafter "Owner")

2. Owner of Real Property

The owner of real property is ITEL located at 2251 Lake Herman Road, Benicia, California 94510

3. Operator of Facility

The Facility operator is ITEL (hereafter "Operator" located at 2251 Lake Herman Road, Benicia, California 94510).

4. Location

The Benson Ridge Facility is located at 7620 on State Highway 29, approximately 2.5 miles southeast of Kelseyville in Lake County, California. Of the 137 acres of land owned by ITEL at this location, waste management operations were conducted within an area of approximately 25 acres (Attachments A and B).

5. Description of Facility Operations

The Permittee occupies a narrow valley, which opens to Highway 29 and is constrained by ridges to the north, west, and east. The area surrounding the Facility is sparsely populated and largely consists of brush-covered rangeland. Existing land uses in the vicinity, in addition to the range activities, include a vineyard on neighboring land west of Facility. The owner's property encompasses 137 acres of rolling terrain in the Benson Ridge area of southwestern Lake County. The waste management area encompassed 25 acres of which 9 acres were utilized for actual disposal operations.

Land Use Covenant

A Survey Plat and Record of Survey indicating the location and dimension of the waste consolidation areas at the closed Facility were prepared. Final volumes of wastes and contaminated sub-soil placed in the waste consolidation areas are

documented in As-Built Construction Reports prepared by IT Corporation dated December and January, 1992. The Hazardous Waste Restrictions were detailed in the property deed and recorded with the Lake County recorders office on December 1, 1993.

DTSC has determined that a land use covenant is necessary as set forth in Part V, section 2 of this Permit.

6. Facility History

The operations at Benson Ridge Facility consisted of a treatment, storage, and disposal Facility for Class I and II hazardous wastes from 1979 to 1984. During its operation, the Facility utilized three surface impoundments for evaporation of liquid and sludge wastes. Wastes disposed at the Facility were primarily liquids and sludge from the geothermal industry and included the following:

- drilling muds
- geothermal condensates and brines
- petroleum fractions
- geothermal power plant wastes from hydrogen sulfide abatement/removal equipment
- geothermal power plant solid wastes from maintenance operations.

The Benson Ridge Facility was closed in accordance with the California Environmental Protection Agency (Cal-EPA), Department of Toxic Substances Control (DTSC) approved Closure and Post-Closure Plans. During closure, the former waste management units were completely excavated and the sludge and sub-soil were deposited in an onsite waste consolidation landfill. A non-hazardous groundwater evaporation basin (Class II surface impoundment) was also constructed to contain and evaporate recovered groundwater. Closure construction was completed in December of 1992. DTSC acknowledged the Closure Certification on March 24, 1993. The Facility is now subject to post-closure requirements. DTSC issued a Hazardous Waste Facility Post Closure Permit December 31, 1997.

On May 1, 2004, the ITELT was established to oversee and fund the long term post-closure operation, maintenance and upkeep of the Benson Ridge Facility as part of the conclusion of the bankruptcy proceedings for IT Corporation (the former owner/operator of the Facility).

7. Facility Size and Type for Fee Purposes

The Facility is categorized as a large Post Closure Facility pursuant to Health and Safety Code section 25205.7(d)(5). Closure Construction at the Facility was completed in December 1992 and on December 31, 1997, DTSC issued the Hazardous Waste Facility Post-Closure Permit for the closed Benson Ridge Facility. For the purpose of Health and Safety Code section 25205.4, the Post Closure period for the Facility shall be deemed to have commenced after closure construction was completed.

PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

The DTSC-approved Post Closure Permit Application dated February 2008 (Approved Application) is hereby made a part of this Permit by reference. The Approved Application includes the following document by reference: Post-Closure Permit Application, IT Environmental Liquidating Trust - Benson Ridge Facility, Lake County, California, February 2008.

2. EFFECT OF PERMIT

- (a) The Permittee shall comply with the terms and conditions of this Permit and the provisions of the Health and Safety Code and California Code of Regulations (Cal. Code Regs.), title 22, division 4.5. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, those required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.
- (b) The Permittee is permitted to operate, monitor and maintain this Facility for post closure activities in accordance with the terms and conditions of this Permit and the Approved Application. Any management of hazardous wastes not specifically authorized in this Permit is strictly prohibited.
- (c) Compliance with the terms and conditions of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee.
- (e) Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible

enforcement action including but not limited to penalties pursuant to Health and Safety Code section 25187.

- (f) Failure to submit any information required in connection with the Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Cal. Code Regs., title 22, §66270.43).
- (g) In case of conflicts between the Approved Application and the Permit, the Permit conditions take precedence.
- (h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Notice of Exemption has been prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the CEQA Guidelines, section 15070 et seq. of California Code of Regulations, title 14.

4. ENVIRONMENTAL MONITORING

- a) For the purpose of California Code of Regulations, title 22, section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the Permittee are those described in section 2.0 of Appendix I, which is contained in the Approved Application.
- b) For the purpose of California Code of Regulations, title 22, section 66264.92, the Water Quality Protection Standard is described in section 2.1 of Appendix I, which is contained in the Approved Application.
- c) For the purpose of California Code of Regulations, title 22, section 66264.93, the Constituents of Concern for the Permittee are described in section 2.3 of Appendix I which is contained in the Approved Application.
- d) For the purpose of California Code of Regulations, title 22, section 66264.94, the Concentration Limits for the Permittee are described in section 2.5 of Appendix I which is contained in the Approved Application.

- e) For the purpose of California Code of Regulations, title 22, section 66264.95, the Monitoring Points and Points of Compliance for each regulated unit at the Facility are described in section 2.3 of Appendix I which is contained in the Approved Application.
- f) For the purpose of California Code of Regulations, title 22, section 66264.96 the Compliance Period for each regulated unit at the Facility is described in section 2.7 of Appendix I which is contained in the Approved Application.
- g) For the purpose of California Code of Regulations, title 22, section 66270.31, the monitoring, recording, and reporting program for the Facility is described in sections 2.6 and 2.8 of Appendix I, which is contained in the Approved Application.
- h) For the purpose of California Code of Regulations, title 22, section 66264.96 the Compliance Period for the regulated unit at the Facility is 30 years. DTSC may extend the Post Closure monitoring period beyond the 30-year minimum to protect human health and the environment. Under California Code of Regulations, title 23, section 2580(a), the Post Closure care monitoring period for Class I facilities "shall be extended for as long as wastes pose a threat to water quality."

The Permittee shall comply with the applicable environmental monitoring and response program requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article and 17.

5. ANNUAL HAZARDOUS WASTE REDUCTION AND MINIMIZATION CERTIFICATION

The Permittee shall certify annually that it has a hazardous waste reduction and minimization program and method in place and shall keep the annual certification as part of its Operating Record in accordance with Health and Safety Code section 25202.9 and California Code of Regulations, title 22, section 66264.73(b)(9)

6. ACCESS

- (a) DTSC, its contractors, employees, agents, and/or any United State Environmental Protection Agency representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility

personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of Part VI of the Permit; conducting such testing, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.

- (b) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable State or federal laws and regulations.

PART IV. PERMITTED UNITS AND ACTIVITIES

This Permit authorizes the operation, monitoring and maintenance only of the Facility units and activities listed below. The Permittee shall not treat, store or otherwise manage hazardous waste in any unit other than those specified in this Part IV. Any modifications to a unit or activity authorized by this Permit require the written approval of DTSC in accordance with the permit modification procedures set forth in California Code of Regulations, title 22, division 4.5.

For the purpose of California Code of Regulations, title 22, section 66270.1(c) and other similar, unit-specific regulatory requirements, this Facility has two Hazardous Waste Management Units. The units are described in detail in the Approved Application as follows:

UNIT NAME:

- 1) The Waste Consolidation Area (WCA) which consists of two cells, WCA – 1 and WCA – 3 (WCA – 2 does not exist).
- 2) The Groundwater Evaporation Basin (Attachment B) and the associated conveyance system which includes the north cell (EVP – N) and south cell (EVP – S), the leachate extraction system and piping system.

ACTIVITY TYPE:

Since the Facility no longer stores, treats, handles, or disposes of additional hazardous waste, current activities at the Facility include post closure care of the WCA and Groundwater Evaporation Basin. Routine site activities during the post-closure period involve maintenance of the groundwater evaporation basin and permanent covers, management of recovered groundwater and general Facility maintenance.

ACTIVITY DESCRIPTION:

The Facility received liquid, sludge, and solid wastes from the geothermal industry in the Geysers area. The Facility ceased receiving wastes in 1984. Closure of the Facility, conducted during 1991 and 1992, consisted of solidifying/stabilizing waste prior to its transfer to the two cells of the WCA located in the northern portion of the Facility (see Attachment B), construction of an evaporation basin for remediation of impacted groundwater, installation of a groundwater control system, construction of engineered closure covers over the WCA and waste excavation area, and construction of a surface water runoff control system.

PHYSICAL DESCRIPTION:

The Facility closure system consists of several components designed to minimize the potential for post-closure releases of hazardous materials or constituents to the environment. These features include the following:

- 1) The WCA which consists of two cells, WCA – 1 and WCA – 3 (WCA – 2 does not exist). The WCA is a covered landfill which occupies approximately 4.6 acres and contains waste drilling/geothermal-related waste.
- 2) The Groundwater Evaporation Basin and associated conveyance system. This basin is a Class II surface impoundment for evaporation of recovered groundwater generated at the Facility. This unit occupies approximately 3.9 acres.
- 3) The Waste Excavation Area. Waste from the WCA was formerly located in this area.
- 4) Cover systems.

The active unit at the Facility consists of the groundwater evaporation basin designed to store and evaporate site generated non-hazardous groundwater. Existing support facilities include an office building that previously housed administrative files, tools and equipment. Currently the former office building is empty.

MAXIMUM CAPACITY

The WCA contains approximately 103,000 cubic yards of waste, contaminated soil, and solidification agents are contained in the WCA. This waste was moved from the Waste Excavation Area located in the southern portion of the Facility in 1992.

The maximum capacity of the Groundwater Evaporation Basin is 30.43 acre feet.

WASTE TYPES:

None. Unit is closed.

RCRA HAZARDOUS WASTE CODES:

None. Unit is closed.

CALIFORNIA HAZARDOUS WASTE CODES:

None. Unit is closed.

SURFACE WATER MONITORING, AND AIR EMISSION STANDARDS There is no naturally occurring year-round surface water bodies at the Facility, therefore surface water monitoring is not appropriate and cannot provide the earliest possible detection of a release from the waste consolidation area. In addition, the closure cap system was designed to eliminate the potential for waste from being in contact with surface run-off.

Surface waters are only present as temporary storm water flow. Storm water is monitored according to the current Storm Water Pollution Prevention Plan (SWPPP) and the California State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS-000001, Waste Discharge Requirements (WDRs) for Discharges of Storm Water associated with Industrial Activities. Two storm water points are located at the Facility to monitor water quality of on-flow and off-flow at the Facility conforming to requirements by the CRWQCB Monitoring and Reporting Program for WDR Order 98-047.

The only potential air emissions at the Facility are from the evaporation of recovered groundwater in the evaporation basin. The evaporation basin used to manage the recovered groundwater is permitted by the Lake County Air Quality Management District (LCAQMD). A copy of the permit to operate issued by the LCAQMD is provided in Appendix J of the Approved Application. Volatile organic compounds (VOCs) have not been detected in the recovered groundwater. Evaporation of the recovered groundwater results in residual deposits in the basin typically consisting of non-hazardous concentrations of sulfate and calcium salts along with minor constituents of boron, sodium, arsenic, barium and other metals. These evaporative residues are periodically removed and transported to an appropriate waste Facility for disposal.

VADOSE ZONE MONITORING

Vadose zone monitoring is conducted by sampling of four lysimeters that have the potential to collect soil-pore water and perched groundwater. One lysimeter is installed below each of the two Waste Consolidation Area cells and below each of the two surface impoundments. The purpose of the lysimeters is to monitor constituent trends of previously impacted soil and/or perched zone groundwater and potential releases from the Waste Consolidation Units.

PART V. SPECIAL CONDITIONS

1. NO HAZARDOUS WASTE MAY BE DISPOSED OF ON-SITE

No hazardous wastes may be disposed of on-site.

2. LAND USE COVENANT

Pursuant to Civil Code section 1471(c), DTSC has determined that a land use covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on land of hazardous materials as defined in Health and Safety Code section 25260. The Permittee and DTSC shall sign and record a covenant to restrict use of property within one year of authorization of this permit.

3. GROUNDWATER MEASUREMENT

For the purpose of California Code of Regulations, title 22, section 66270.31, the monitoring, recording, and reporting program for the Permittee is described in sections 2.6 and 2.8 of Appendix I, which is contained in the Approved Application. Permittee shall collect groundwater surface level measurements quarterly and groundwater samples semi-annual and every five years as identified in the Approved Application. In the event Permittee can technically demonstrate to DTSC that semiannual water level measurements are justifiable, and California Code of Regulations, title 22, section 66264.97 (e)(15) regulations are changed to allow semi-annual groundwater surface level measurements, then with an approval letter from DTSC, Permittee can match the water level measurement events with the semi annual groundwater sampling events without a Post Closure Permit Modification.

PART VI. CORRECTIVE ACTION

1. In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMU) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.
2. DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment and newly identified SWMU or releases of hazardous waste and/or hazardous constituents. If and when corrective action is required at the Facility, the Permittee shall conduct corrective action under either a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action issued by DTSC pursuant to Health and Safety Code sections 25187 and 25200.10.
3. To the extent that work being performed pursuant to Part VI of the Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part of the Permit from the present owner(s) of such property within 30 days of approval of any Workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within 30 days of approval of any Workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within 14 days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property. If there is any conflict between this permit condition on access and the access requirements in any agreement entered into between DTSC and the Permittee, this permit condition on access shall govern.

4. Nothing in Part VI of the Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the Facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.



